

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

<b>JENNIFER DeVOE, <i>e al.</i></b>	)	
<b>Plaintiffs,</b>	)	<b>MDL No. 2738</b>
	)	
<b>v.</b>	)	
	)	United States District Court for
<b>JANE DOE MEDICAL PROVIDER, <i>et al.</i></b>	)	the Southern District of Indiana
<b>Defendants</b>	)	Indianapolis Division
	)	Case No. 1:20-cv-03009-RLY-MPB

**PLAINTIFFS JENNIFER AND ROBERT DEVOE’S NOTICE OF TEMPORARY  
OBJECTION TO CONDITIONAL TRANSFER ORDER (CTO-237)**

Plaintiffs Jennifer and Robert DeVoe file notice their temporary objection to the transfer of this matter from the Southern District of Indiana to the MDL currently pending in the United States District Court for the District of New Jersey. Plaintiffs request the transfer be stayed until such time as the Southern District of Indiana rules upon motions currently pending before it. This motion is based upon the following:

1. This case involves claims against three Defendants, Johnson & Johnson, Johnson & Johnson Consumer Inc.(collectively, “J&J”), and Jane Doe Medical Provider.
2. This case was originally filed in State Court, with Marion County, Indiana’s Superior Court 12.
3. On November 16, 2020, J&J filed a notice of removal, removing this matter to the United States District Court to the Southern District of Indiana, Indianapolis Division.
4. Also on November 16, 2020, J&J filed Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.’s Motion to Sever Claim Brought Against Defendant Jane Doe Medical Provider.

5 Both J&J's Notice of Removal and Motion to Sever requested the Southern District of Indiana sever Plaintiffs' claims against Jane Doe Medical Provider from Plaintiffs' claims against J&J.

6. Additionally, J&J's Notice of Removal suggested Plaintiffs' claims against Jane Doe Medical Provider should be remanded to state court.

7. On November 17, 2020, J&J filed a Notice of Related Action with the Judicial Panel on Multidistrict Litigation, requesting this matter be transfer to the Multidistrict Litigation ("MDL") case, *In re Johnson & Johnson Talcum Powder Marketing, Sales Practices and Products Liability Litigation* pending in the District Court of New Jersey. MDL No. 2738 Doc. 2512.

8. On November 18, 2020, the Clerk of the Panel issued Conditional Transfer Order (CTO-237), transferring this matter to the District of New Jersey. MDL 2738, Doc 2514.

9. The Clerk of the Panel's November 18, 2020 Order was automatically stayed 7 days, indicating that if any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

10. On November 23, 2020, Plaintiffs filed Plaintiffs' Response to Johnson & Johnson Consumer Inc.'s Motion to Sever Claim Against Defendant Jane Doe Medical Provider and Motion to Remand Claims Against Defendant Jane Doe Medical Provider in the pending Southern District of Indiana matter. This Response consented to the Southern District of Indiana entering J&J's motions to sever the claims against Jane Doe Medical Provider, and further requested those claims be remanded to Marion County, Indiana, Superior Court 12.

11. As of the time of this filing, the Southern District of Indiana has not ruled upon J&J's Motion to Sever Claim Brought Against Defendant Jane Doe Medical Provider or Plaintiffs' Motion to Remand Claims Against Defendant Jane Doe Medical Provider.

12. Plaintiffs do not object to this matter ultimately being transferred to the District of New Jersey MDL for the purposes of discovery and other pretrial matters.<sup>1</sup>

13. However, Plaintiffs respectfully request the transfer be stayed until the Southern District of Indiana has the opportunity to rule upon J&J's Motion to Sever Claim Brought Against Defendant Jane Doe Medical Provider or Plaintiffs' Motion to Remand Claims Against Defendant Jane Doe Medical Provider.

14. Once the Southern District of Indiana rules upon the pending motions to sever and remand, Plaintiffs will withdraw this temporary objection, and will not oppose this matter being transferred to the District of New Jersey MDL.

Wherefore, Plaintiffs' respectfully request the transfer of this matter be stayed until such time as the Southern District of Indiana rules upon J&J's Motion to Sever Claim Brought Against Defendant Jane Doe Medical Provider or Plaintiffs' Motion to Remand Claims Against Defendant Jane Doe Medical Provider.

Respectfully submitted, November 25, 2020

/s/ Sarah Broderick

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Attorneys for Plaintiffs

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<sup>1</sup> Plaintiffs do not consent to a trial in the District of New Jersey, and respectfully assert this matter should be tried in their preferred venue of Indiana.

**Certificate of Service**

I hereby certify that on **November 25, 2020**, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System and via e-mail. Parties may access this filing through the Court's system.

Johnson & Johnson; Johnson & Johnson Consumer Companies, Inc.,  
Kimberly C. Metzger [Kimberly.metzger@icemiller.com](mailto:Kimberly.metzger@icemiller.com)

Additionally, copies of the foregoing were served via e-mail upon the following attorneys representing Jane Doe Medical Provider.

Robert C. Brandt [rbrandt@rbelaw.com](mailto:rbrandt@rbelaw.com)  
Courtney David Mills [cmills@rbelaw.com](mailto:cmills@rbelaw.com)

/s/ Sarah Broderick  
Sarah Broderick